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COMMONS REGISTRATION ACT 1965

Reference No. 206/U/216

In the Matter of Cheesewring Common (part),
Linkinhorne, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Cheesewring Common (part), Linkinhorne, being the part of the land comprised in the Land Section of Register Unit No. CL.131 in the Register of Common Land maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr C F Piper claimed to be the freehold owner of part of the land in question, and Mr J B Cackett of the Duchy of Cornwall Office claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 4 July 1984. At the hearing Mr Piper was represented by Mr M Hawkin, Solicitor, and Mr H W Martin appeared in person.

The land the subject of the reference consists of a roadway coloured by an unlettered red line on the Register Map and two small parcels of land within red verge lines on the Map.

The northern half of the easternmost of the two small parcels of land was conveyed to Mr and Mrs Piper by a Conveyance made 4th July 1967 between (1) H R H Charles, Prince of Wales, Duke of Cornwall (2) Clifford Francis Piper and Eunice Piper his wife. There was no evidence regarding the southern half of this parcel.

The westernmost of the two small parcels of land was conveyed to Mr R R Prymme by a Conveyance made 2 May 1935 between (1) H R H Edward, Prince of Wales, Duke of Cornwall (2) Robert Rundle Prymme. After divers mesne assignments this parcel was conveyed to Mr Martin by a Conveyance made 13 December 1972 between (1) Percy Thomas Coish and Olive Margaret Coish his wife, (2) Edward Worthington Martin.

On this evidence I am satisfied that Mr and Mrs Piper and Mr Martin are the owners of parts of the land, and I shall accordingly direct the Cornwall County Council as registration authority to register them as the owners of their respective parts of the land under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference, which will therefore remain subject to protection under section 9 of the Act of 1965.

The parcels of the Conveyance of 13 December 1972 also include a small piece of land to the east containing 0.37 ac. or thereabouts which was the subject of a Conveyance made 17 July 1968 between (1) H R H Charles, Prince of Wales, Duke of Cornwall (2) Percival Albert Hayes. This land is included in the registration at Entry No. 1 in the ownership section of the register unit, the registered owner being stated to be The Duchy of Cornwall. This entry was made on 26 June 1968, some six weeks before the execution of the 1968 Conveyance, and the registration, being undisputed, became final on 1 October 1978. This land is therefore not within my jurisdiction, but it seems desirable to refer to it in the interests of clarity.



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I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

8th

day of

October 1984

A handwritten signature in black ink, appearing to read 'E. J. G. G. G.', written in a cursive style.

Chief Commons Commissioner